

REMARKS

Applicants wish to thank the Examiner for reviewing the present patent application. No new issues are presented herein, and therefore, no further searching is required by the Examiner.

I. Previous Rejection Under 35 USC §112, Paragraph 2

In view of the 5 June 2006 Office Action, Applicants acknowledge and appreciate that the previous rejection made under 35 USC §112, paragraph 2 is withdrawn and moot.

II. Previous Rejection Under 35 USC §102(e)

In view of the 5 June 2006 Office Action, Applicants acknowledge and appreciate that the previous rejection made under 35 USC §102(e) is withdrawn and moot.

III. Previous Rejection Under 35 USC §103

Applicants acknowledge and appreciate that all prior rejections made under 35 USC §103 are withdrawn and moot.

IV. **Rejection Under 35 USC §103**

The Examiner has rejected claims 1, 4, 5, 10 and 14 under 35 USC §103(a) as being unpatentable over Portman et al., U.S. Patent No. 6,464,099 (hereinafter '099) in view of Yip, U.S. Patent No. 4,602,557 (hereinafter, '557). In the rejection, the Examiner mentions, in summary and again, that the '099 reference discloses a container for serving infused liquid beverages made from infusion bags having a string and tag attached whereby the container comprises a receptacle for holding liquid, and a lid for the receptacle provided with an opening. Furthermore, the Examiner mentions that the lid has a first portion which is capable of gripping the string of the infusion bag and a second portion through which the string and the infusion bag can move into and out of the container.

The Examiner relies on the '557 reference for showing a gripping member 24 d' (Figure 4d) with a first slit with further slits that extend at right angles. In view of this, the Examiner believes that the combination of the '099 reference and the '557 reference render the aforementioned claims obvious.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

Independent claim 1, as presented, is directed to a container for serving infused liquid beverages made from infusion bags having a string and tag attached. The container comprises a receptacle for holding liquid, a lid for the receptacle provided with an opening having a first portion which is capable of gripping the string of the infusion bag

and a second portion located on the first portion through which the string of the infusion bag can move into and out of the container. The container also has a dispensing outlet through which the consumer drinks the beverage wherein the first portion comprises a slit with further slits that extend at right angles therefrom and that are aligned with the second portion further wherein the first slit with further slits results in four right angles.

Independent claim 1 is further defined by dependent claim 5 which mentions that the first slit is sufficient in length such that the tag attached to the string may be pushed through it without bending the tag.

Independent claim 10 is directed to a lid for a container for serving infused liquid beverages from infusion bags having a string and a tag attached, the lid being provided with an opening having a first portion which is capable of gripping the string of the infusion bag and the second portion located on the first portion through which the string of the infusion bag can move into and out of the container. The lid also has a dispensing outlet through which the container drinks the beverage wherein the first portion comprises a first slit with further slits that extend at right angles therefrom and that are aligned with the second portion, further wherein the first slit with further slits results in four right angles.

Independent claim 10 is further defined by claim 14 which characterizes the lid as one having a first slit with a length that is sufficient such that the tag attached to the string may be pushed through it without bending the tag.

In contrast, and as already made of record, the '099 reference depicts a lid having slits that do not extend at right angles (please see Figure 1c and Figure 1d). Therefore, the slits in the '099 reference create obtuse and acute angles. Turning to Figures 8a and 8b of the '099 reference, shown are slit 61 and 62 that merely result in two right angles contrary to the four right angles set forth in the presently claimed invention.

The vast deficiencies of the '099 reference are not even remotely cured by the '557 reference. This is true because the '557 reference merely describes a cup having notches on its side. If such notches (like 24a and 24b) of the '557 reference were made within the container described in the '099 reference, the container of '099 reference would not be functional and would leak. In fact, such notches, as described in the '557 reference, would defeat the purpose of having the lid described in the '099 reference.

Again, the slits of the current invention create four 90° angles. Therefore, depending on the orientation of the tea bag within the container, the '099 reference describes a container with a lid that requires a different pull or different tension when the consumer is attempting to catch the tea bag within the lid. The deficiencies of the container shown in the '099 reference are cured by the present invention since the slits which create right angles (four right angles) enable for consistent tension or pull in order for the infusion bag to be captured within the lid, regardless of the orientation of tea bag under lid. This is true because the amount of plastic that has to be displaced is equal due to the right angles. The teachings of the '557 reference, again, would result in a defective and leaking container if combined with the teachings of the '099 reference. Thus, the teachings of the references relied on by the Examiner cannot be combined. In view of this, it is clear that all the important and critical limitations set forth in the

presently claimed invention are not found in the combination of references relied on by the Examiner and there is no motivation to combine the references relied on by the Examiner. Therefore, Applicants respectfully request that the obviousness rejection be withdrawn and rendered moot.

Applicants request that all claims of record now be passed to issue. Favorable action is earnestly solicited.

Applicants further submit that this application is now ready for appeal. Applicants do, however, welcome suggestions from the Examiner so that the extreme expense of an appeal may be avoided.

In the event the Examiner has any questions concerning the present patent application, he is kindly invited to contact the undersigned at his earliest convenience.

Respectfully submitted,



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